

REMARKS

I. Introduction

Claim 29 was previously canceled. Claims 1, 3, 6, 13, 19, 26, 30 and 33 have been amended to clarify the claims. Accordingly, claims 1-28, and 30-33 are now pending.

In the Office Action the Examiner objected to claim 30. **Applicants have amended claim 30 to change "message retrieval system" to "message system" in line 22 as suggested by the Examiner in the Office Action. In view of this amendment the objection to claim 30 has been overcome. In addition the Examiner objected to the figures for the failure to include reference number 821. Fig. 8 has been amended to add the missing reference number referred to in the text. Review and approval of the amendment to Fig. 8 is requested. A new corrected formal figure 8 including the amendment is submitted herewith.**

This amendment is submitted following a Nov. 18 2003 telephone interview which is summarized below. Applicants representative thanks the Examiner for the opportunity to discuss the claims during the interview. **During the interview the Examiner agreed that Applicants arguments with regard to claims 19 and 30 overcame the prior art rejections and that no amendment was required to distinguish these claims over the art. The Examiner indicated that if Applicant's only change to claim 19 was to delete the period in the middle of the claim, he would**

not maintain the finality of the rejection. Applicants amended claim 19 to delete the period in the middle of the claim but not to otherwise alter it. Accordingly, it is requested that the Examiner enter this amendment.

In the Office Action, the Examiner rejected Claims 1, 3, 7, 19-21, 30 and 33 under 102(e) in view of U.S. Patent No. 6,389,115 to Swistock. In addition, the Examiner rejected claims 13, 26 and 28 as being anticipated by U.S. Patent No. 6,215,858 to Bartholomew et al.

During the telephone interview Applicants agreed to make amendments to various independent claims which the Examiner indicated would overcome the outstanding rejections and/or successfully argued, e.g., with regard to claim 19 and 30 that the claims were not anticipated by the applied references.

The amendments and Applicants arguments which overcome the rejections and the various claim amendments are discussed in detail in the telephone interview summary which follows.

Applicants have made the agreed upon amendments herein. Accordingly, the application is now in condition for allowance.

As will be discussed below, as amended, none of the pending claims are anticipated or rendered obvious by the prior art of record.

**II. Interview Summary including Arguments With Regard
To The Patentability of the Rejected Claims**

This interview summary is presented in the format suggested by the Patent Office.

1. **Application Number:** 09/828,679
2. **Name of Applicant:** Craig REDING et al.
3. **Name of Examiner:** GERALD GAUTHIER
4. **Date of Interview:** November 18, 2003
5. **Type of Interview:** Telephonic
6. **Name of Participants:**
Examiner: GERALD GAUTHIER;
Applicants' Rep: Michael P. Straub
7. **Exhibit(s) Shown:** None
8. **Claims discussed:** Claims 1, 13, 18, 19,
26, and 30.

9. Prior Art Discussed:

U.S. Patent No. 6,389,115 to Swistock

U.S. Patent No. 6,215,858 to Bartholomew et al.

10. Proposed Amendments discussed:

The amendments made herein to claims 1, 19 and 26 were discussed.

**11. Discussion of General Thrust
of the Principal Arguments**

A. Independent Claim 1

Applicants argued with regard to claim 1 that the Swistock patent did **NOT** discuss or described a SMDI history message let alone the step of:

"in response to detecting said SMDI history message, storing at least some information included in the SMDI history message" recited in claim 1.

In support of Applicants position Applicants representative pointed the Examiner to Figs. 2 and 3 of the present application which show the content and differences between SMDI history messages and SMDI message waiting indicator (MWI) messages. It was argued that **while the applied reference clearly discussed SMDI MWI messages it did not discuss or disclose SMDI history messages or the use of such messages.**

The Examiner indicated that while the reference did not appear to disclose SMDI history messages of the type described in Applicant's patent he was troubled by the fact that the monitoring step did not explicitly refer to a SMDI history message. Applicant's representative agreed to amend claim 1 to indicate that the monitoring was "to detect at least one of a SMDI history message and a SMDI message waiting indicator message" and to replace "a SMDI history message" recited later in the claim with "said SMDI history message". **The Examiner indicated that this amendment would overcome the outstanding rejection.** Since the amendment has been made claim 1 is now allowable.

B. Independent Claim 13

With regard to independent claim 13, Applicants argued that the Examiner failed to establish that the data base files discussed in column 20, line 46, **included Internet Protocol address information for each of a**

plurality of voice mail service subscribers but more importantly, that the claimed step of:

receiving Internet Protocol
address information and directory number
information for each of a plurality of voice
mail service subscribers from an advanced
intelligent network service control point
coupled to said Internet Protocol messaging
device

was not disclosed.

During the discussion of the claim the Examiner noted that the claim did not explicitly recite using the received Internet Protocol address information.

Applicants have amended claim 13 to recite:

generating an IP message including
at least one IP packet and at least some
information obtained from the received SMDI
message, said generating including
incorporating an Internet Protocol address
included in said received Internet Protocol
address information in said at least one IP
packet;

Given this amendment, claim 13 is clearly allowable because of the generating step irrespective of the receiving step which is also believed to render the claim patentable.

In response to the Examiner's inquiry as to how the information received from the Service Control Point was used, Applicants noted that dependent claim 18 recites explicit details regarding the use of the received IP address information. However, to clarify the claim Applicants also decided to amend claim 18 as done herein.

C. Independent Claims 19 and 30

During the interview it was argued that the Swistock patent did not disclose the recited voice message retrieval device. In claim 19 the retrieval device includes "means for retrieving a waiting message from said voice messaging system **in response to receiving an IP message including at least some message waiting indicator information.**" Claim 30 includes similar language but refers to "**voice messages**" instead of "waiting messages".

Applicants representative pointed out that the "**in response to receiving an IP message**" made it clear that the **waiting message** was different from the IP message which triggered the retrieval. Applicants further noted that the message waiting indicator message cited by the Examiner was not a "voice message".

The Examiner agreed that the prior art which described the transmission of the message notification of a waiting message failed to disclose the limitation recited in claims 19 and 30 which includes the "**in response to**" language.

The Examiner indicated that no amendment to claims 19 and 30 was required to overcome the 102 rejection of these claims.

D. Independent Claim 26

Applicants representative argued that the Examiner combined cites to different embodiments in the prior art to support the rejection of claim 26 which, in some cases, may not be proper since the different embodiments had different elements and functional requirements.

While Applicants representative and the Examiner had differing views on the prior art, **it was agreed that deleting "or directory number information" from claim 26 would overcome the rejection since "accessing at least a portion of a stored history message to obtain calling a party name" was not disclosed by the applied reference.**

Applicants made the agreed upon amendment to claim 26 thereby overcoming the rejection of claim 26.

12. Other Pertinent Matters Discussed: None

13. General Results/Outcome of Interview

The Examiner indicated he would enter Applicant's amendment given that the rejection of claims 19 and 30 had been overcome without the need for amendment. The Examiner indicated that he would review the claims further following the submission of Applicants' formal response.

IV. Conclusion

Claims 1-28 and 30-33 are pending. Each of the dependent claims is patentable for the same reasons the

independent claim from which they depend are patentable. None of the claims are anticipated or rendered obvious by the prior art of record. Accordingly, the application is now in condition for allowance.

If there are any outstanding issues that need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicants' representative to discuss and hopefully resolve said issues.

November 19, 2003

Respectfully submitted,
Michael B Straub, Reg. No. 36,941 for:
Loren Swingle, Esq
Loren Swingle, Attorney
Reg. No. 32,764
(914) 644-2366

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **November 19, 2003** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Michael B Straub

Michael P. Straub

36,941
Reg. No.